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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

05 AUG -9 PM 1: 52

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS  
UNITED STATES OF AMERICA,  
Plaintiff,THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
W/D OF TN, MEMPHIS

vs.

LATONYA R. STEPHENS,  
Defendant.

MOTION GRANTED

CR. NO. 04-20424-01-MI

JON PHIPPS McALLA  
U.S. DISTRICT JUDGEAug 10 2005  
DATE

## MOTION TO EXTEND TIME FOR FILING NOTICE OF APPEAL

Comes now Latonya R. Stephens, Defendant, by and through her counsel, Robert C. Irby, and respectfully moves the Court pursuant to Rule 33(b)(2), Fed. R. of Criminal Procedure, for an extension of the time in which a notice of appeal may be filed pursuant to said Rules, and in support of which would show unto the Court the following:

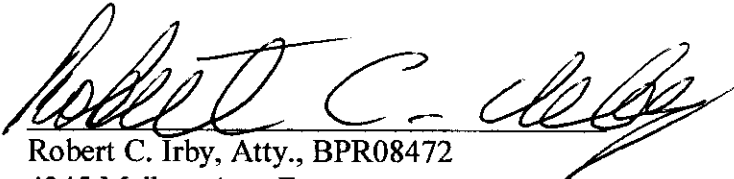
1. The Defendant does not want to appeal or intend to appeal the sentence imposed by the Court; Defendant merely seeks to preserve the time period while the Defendant prays the Court in another motion, a motion asking a question about the law on which the sentence imposed by the Court was based, and asking the Court to reconsider the sentencing based upon hardship to the Defendant's infant child;
2. The Judgment In A Criminal Case, signed by the Court on July 26, 2005, was entered on the docket sheets on July 26, 2005, but this counsel did not receive his copy in the mail until August 2, 2005;
3. Ten days after the entry of the Judgment expires on August 9, 2005;
4. Defendant merely seeks to preserve things while asking the Court for a

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with Rule 55 and/or 32(b) FRCP on 8-17-05

clarification of the sentencing, and really has no intention of filing an appeal;

5. Therefore, Defendant Stephens respectfully moves the Court for an extension of time, fourteen days, in which to file a notice of appeal in this cause.

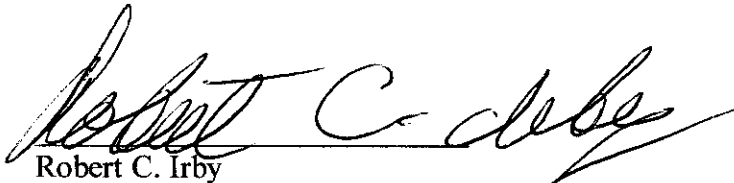
Respectfully Submitted,



Robert C. Irby, Atty., BPR08472  
4345 Mallory Ave. East  
Memphis, Tennessee 38111  
682-7775  
August 9, 2005

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion will have been delivered to the intake window at the office of Mr. Carroll Andre, Esq., AUSA, 167 No. Main St., 8th Floor, Memphis, Tennessee 38103, by hand, before the Court sees it.



Robert C. Irby  
August 9, 2005



## Notice of Distribution

This notice confirms a copy of the document docketed as number 79 in case 2:04-CR-20424 was distributed by fax, mail, or direct printing on August 11, 2005 to the parties listed.

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Robert C. Irby  
LAW OFFICE OF ROBERT C. IRBY  
4345 E. Mallory  
Memphis, TN 38111

Carroll L. Andre  
U.S. ATTORNEY'S OFFICE  
167 N. Main St.  
Ste. 800  
Memphis, TN 38103

Honorable Jon McCalla  
US DISTRICT COURT